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SENATE BILL 273

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ROMAN M. MAES III

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING STUDENTS TO REMAIN ON
SCHOOL PROPERTY DURING SCHOOL HOURS; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES. -- A local
school board shall have the following powers or duties:

A. subject to the regulations of the state board,
supervise and control all public schools within the school
district and all property belonging to or in the possession of
the school district;

B. employ a superintendent of schools for the school
district and fix his salary;

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1 C. delegate administrative and supervisory functions
2 of the local school board to the superintendent of schools;

3 D. subject to the provisions of law, approve or
4 disapprove the employment, termination or discharge of all
5 employees and certified school personnel of the school district
6 upon a recommendation of employment, termination or discharge by
7 the superintendent of schools; provided that any employment
8 relationship shall continue until final decision of the board.
9 Any employment, termination or discharge without the prior
10 recommendation of the superintendent is void;

11 E. apply to the state board for a waiver of certain
12 provisions of the Public School Code relating to length of
13 school day, staffing patterns, subject area or the purchase of
14 instructional materials for the purpose of implementing a
15 collaborative school improvement program for an individual
16 school;

17 F. fix the salaries of all employees and certified
18 school personnel of the school district;

19 G. contract, lease, purchase and sell for the school
20 district;

21 H. acquire and dispose of property;

22 I. have the capacity to sue and be sued;

23 J. acquire property by eminent domain [as] pursuant
24 to the procedures provided in the Eminent Domain Code;

25 K. issue general obligation bonds of the school

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1 district;

2 L. repair and maintain all property belonging to the
3 school district;

4 M for good cause and upon order of the district
5 court, subpoena witnesses and documents in connection with a
6 hearing concerning any powers or duties of the local school
7 boards;

8 N. except for expenditures for salaries, contract
9 for the expenditure of money according to the provisions of the
10 Procurement Code;

11 O. adopt regulations pertaining to the
12 administration of all powers or duties of the local school
13 board;

14 P. accept or reject any charitable gift, grant,
15 devise or bequest. The particular gift, grant, devise or
16 bequest accepted shall be considered an asset of the school
17 district or the public school to which it is given; ~~and~~

18 Q. offer and, upon compliance with the conditions of
19 such offer, pay rewards for information leading to the arrest
20 and conviction or other appropriate disciplinary disposition by
21 the courts or juvenile authorities of offenders in case of
22 theft, defacement or destruction of school district property.
23 All such rewards shall be paid from school district funds in
24 accordance with regulations that shall be promulgated by the
25 department of education; and

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1 R. develop rules and procedures to ensure compliance
2 with the Compulsory School Attendance Law, Section 22-12-2 NMSA
3 1978, that all students remain on school property during school
4 hours. "

5 Section 2. Section 22-12-2 NMSA 1978 (being Laws 1967,
6 Chapter 16, Section 170, as amended) is amended to read:

7 "22-12-2. COMPULSORY SCHOOL ATTENDANCE--RESPONSIBILITY. --

8 A. Any qualified student and any person who because
9 of his age is eligible to become a qualified student as defined
10 by the Public School Finance Act until attaining the age of
11 majority shall attend a public school, a private school, a home
12 school or a state institution. A person shall be excused from
13 this requirement if:

14 (1) the person is specifically exempted by law
15 from the provisions of this section;

16 (2) the person has graduated from a high
17 school;

18 (3) the person is at least sixteen years of age
19 and has been excused by the local school board or its authorized
20 representative upon a finding that the person will be employed
21 in a gainful trade or occupation or engaged in an alternative
22 form of education sufficient for the person's educational needs
23 and the parent, guardian or other person having custody and
24 control consents;

25 (4) with consent of the parent, guardian or

1 person having custody and control of the person to be excused,
2 the person is excused from the provisions of this section by the
3 superintendent of schools of the school district in which the
4 person is a resident and the person is under eight years of age;
5 or

6 (5) the person is judged, based on standards
7 and procedures adopted by the state board, to be unable to
8 benefit from instruction because of learning disabilities or
9 mental, physical or emotional conditions.

10 B. A person subject to the provisions of the
11 Compulsory School Attendance Law shall attend school for at
12 least the length of time of the school year that is established
13 in the school district in which the person is a resident.

14 C. A person subject to the provisions of the
15 Compulsory School Attendance Law in a school district that had a
16 total actual membership for school year 1995-96 of not less than
17 12,500 students and not more than 13,000 students shall attend
18 school and remain on the school property for the entire school
19 day except while attending functions away from the school
20 property that are sanctioned by the local school board and
21 except for excused absences as approved by the school board.

22 [C-] D. Any parent, guardian or person having
23 custody and control of a person subject to the provisions of the
24 Compulsory School Attendance Law is responsible for the school
25 attendance of that person. "

